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November 16, 2010

Jeff S. Jordan
Supervisory Attorney
Complaints Examination & Legal Administration
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: MUR 6400

Dear Mr. Jordan:

This office represents the Camden County Democratic Committee ("CCDC") in connection with the above referenced complaint. (See Exhibit A, Statement of Designation of Counsel.) Please accept this letter as the CCDC's response to the frivolous complaint filed against it by Complainant, James K. Webber, Chairman of the New Jersey Republican State Committee.¹

Complainant alleges that the CCDC provided support to Peter Destefano ("Destefano"), a candidate of the NJ Tea Party for the office of Member of the U.S. House of Representatives for New Jersey's Third Congressional District in the November 2, 2010 general election, without registering with the FEC or reporting any in-kind contributions to Destefano. Further,

¹ This letter is offered solely for the purpose of assisting the FEC in attempting to resolve this matter. The CCDC does not consent to the disclosure of this letter to the Complainant or any other person, or to the use of this letter in any future adjudicatory proceeding.

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Complainant alleges that the support given to Destefano was intended to siphon voters away from the Republican Party candidate, thereby benefitting John Adler ("Adler"), the Democratic Party candidate, but that the CCDC did not register with the FEC or report any in-kind contributions to Adler. Finally, Complainant alleges that the contributions to Destefano and Adler were in excess of applicable contribution limits. However, these allegations are utterly without merit, and must be dismissed.

As a preliminary matter, Complainant fails to provide any sworn first-hand evidence to support these allegations. The only support offered by Complainant for his allegation that two individuals paid by the CCDC solicited signatures for Destefano's petition for direct nomination to the electoral ballot is two newspaper articles. These articles are based entirely upon anonymous sources. Further, the articles do not even attempt to quantify the value of the services allegedly provided. The only assertions regarding the value of the services allegedly provided -- critical information for determining whether contribution limits and/or reporting thresholds were reached or exceeded -- are Complainant's own unsupported suppositions. Such unsupported hearsay must be discounted by the FEC, and, without more, should not be deemed a "reason to believe" that any violation has been committed. By itself, this is reason enough to dismiss the Complaint and close this matter.

Even assuming, *arguendo*, that Complainant did provide sworn first-hand evidence of his allegations, the Complaint against the CCDC would nonetheless still warrant dismissal as a matter of law for two reasons. First, the alleged support the CCDC rendered Destefano does not qualify as a "contribution" under 2 U.S.C. § 431(8). That section provides, in relevant part, that the term "contribution" includes "the payment by any person of compensation for the personal services of another person which are rendered to a political committee without charge for any purpose." *Id.* The alleged support given by CCDC employees to Destefano reportedly took place in May, 2010, which was more than one month before Destefano created a principal campaign committee. In other words, there was no "political committee" in existence at the time that the alleged services were provided, and so could not have been "rendered to" the non-existent committee.

Second, the value of the alleged support the CCDC rendered to Destefano could not possibly have risen to the level of either the applicable \$5,000 reporting threshold for political committees under 2 U.S.C. § 434(e)(2)(A), or the applicable \$5,000 contribution limit for political committees under 2 U.S.C. § 441a(a)(2)(A). Schedule C of the CCDC's Receipts and Expenditures Quarterly Report to the New Jersey Election Law Enforcement Commission, dated July 15, 2010, which was included as an exhibit to Complainant's Complaint, provides that William Moen and Matthew White, the CCDC employee's alleged to have assisted Destefano, were paid only \$4,344.80 in aggregate between May 23, 2010 (the date of the first payment made to them following the alleged May 26, 2010 meeting referenced in the newspaper articles) and June 11, 2010 (a date after the time Complainant asserts Destefano became a candidate and presumably no longer needed signatures for a direct nomination petition). And such, even if all of

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Moen and White's efforts during that period of time were focused on assisting Destefano and not on other CCDC business, the CCDC could not have possibly provided a level of support to Destefano that would have reached the applicable reporting threshold or contribution limit.

For the reasons set forth above, the CCDC respectfully submits that there is no "reason to believe" that any violation has been committed, and that this Complaint must be dismissed.

Very truly yours,

BROWN & CONNERY, LLP

A handwritten signature in black ink, appearing to read "William M. Tambussi", is written over the printed name.

William M. Tambussi

Enclosure

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